

REMARKS

The present Amendment amends claims 2, 4, 6 and 9-11, cancels claims 1, 3, 7 and 8 and leaves claim 5 unchanged. Therefore, the present application has pending claims 2, 4-6 and 9-11.

Claims 1, 2 and 7-9 stand rejected under 35 USC §102(e) as being anticipated by Fredlund (U.S. Patent Application Publication No. 2004/0021669); and claims 3, 6 and 10 stand rejected under 35 USC §103(a) as being unpatentable over Fredlund. As indicated above, claims 1, 3, 7 and 8 were canceled. Therefore, the above noted rejections with respect to claims 1, 3, 7 and 8 are rendered moot. Accordingly, reconsideration and withdrawal of these rejections with respect to claims 1, 3, 7 and 8 is respectfully requested.

It should be noted that the cancellation of claims 1, 3, 7 and 8 was not intended nor should it be considered as an agreement on Applicants part that the features recited in claims 1, 3, 7 and 8 are taught or suggested by Fredlund or any of the references of record whether taken individually or in combination with each other. The cancellation of claims 1, 3, 7 and 8 was simply intended to expedite prosecution of the present application. Applicants hereby reserve their right to pursue the subject matter as set forth in claims 1, 3, 7 and 8 in a continuing application.

Applicants acknowledge the Examiner's indication in paragraph 13 of the Office Action that claims 4, 5 and 11 would be allowable if rewritten in independent form including all the limitations of the base claim and any intervening claims. Amendments were made to claims 4, 5 and 11 to place them in independent form including all the limitations of the base claim and

any intervening claims. Therefore, claims 4, 5 and 11 are allowable as indicated by the Examiner.

Further, as noted above, claims 2, 6, 9 and 10 were amended to depend from claims 4 and 11, respectively which are now allowable as indicated by the Examiner. Accordingly, claims 2, 6, 9 and 10 are also allowable since they now depend from an allowable base claim.

In view of the foregoing amendments and remarks, Applicants submit that claims 2, 4-6 and 9-11 are in condition for allowance. Accordingly, early allowance of the present application based on claims 2, 4-6 and 9-11 is respectfully requested.

To the extent necessary, the applicants petition for an extension of time under 37 CFR 1.136. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, or credit any overpayment of fees, to the deposit account of MATTINGLY, STANGER, MALUR & BRUNDIDGE, P.C., Deposit Account No. 50-1417 (500.43244X00).

Respectfully submitted,

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